

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

PETER YOUNG, 08R0331,

Plaintiff,

-v-

GREGORY T. KADIEN, et al.,

Defendants.

DECISION AND ORDER
09-CV-6639CJS

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has requested appointment of counsel. The Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). Courts have the inherent authority to assign counsel to represent private indigent litigants, see *In re Smiley*, 36 N.Y.2d 433, 438 (1975), and may also appoint counsel to assist indigent litigants pursuant to 28 U.S.C. § 1915(e)(1). The Court determines that assignment of counsel is warranted in this case.

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(g) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this rule shall be made in a manner such that no attorney shall be


requested to accept more than one appointment during any twelve month period.

It is in this spirit that the Court assigns Karen Bailey Turner, Esq. of Brown & Hutchenson, 925 Crossroads Building, Two State Street, Rochester, New York 14614, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to copy that portion of the file in this matter that is not currently available through PACER on the Court's Case Management/Electronic Case Management System and send it to Karen Bailey Turner, together with a copy of this Order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so *pro bono* counsel can access and print at no cost to them or their firm any other documents filed herein that they may need. Plaintiff's attorney is directed to contact the Court by **October 24, 2011** to request a date for a status conference to discuss further proceedings in the case.

SO ORDERED.

Dated: September 29, 2011
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge

¹This information and the forms are also available on the Court's web site at the Attorney Information link at: http://www.nywd.uscourts.gov/document/DCF_REIMB_VOUCHER.pdf